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10 Attorneys for Plaintiff  
11 United States of America

12 IN THE UNITED STATES DISTRICT COURT

13 EASTERN DISTRICT OF CALIFORNIA

14 UNITED STATES OF AMERICA,

CASE NO. 1:21-MJ-00032-SAB

15 Plaintiff,

16 STIPULATION FOR PROTECTIVE ORDER;  
17 ORDER

v.

18 MARC DAVIS,

19 Defendant.

20 **STIPULATION**

21 Plaintiff United States of America, by and through its counsel of record, and defendant, by and  
22 through defendant's counsel of record, hereby stipulate as follows:

23 1. The Court may enter protective orders pursuant to Rule 16(d) of the Federal Rules of  
24 Criminal Procedure and its general supervisory authority.

25 2. This case involves at least two lay witnesses, the identity of whom is not subject to any  
26 rule of discovery at this stage of the proceeding. Additionally, their statements are similarly subject to  
27 no disclosure rule at this stage of the proceeding. Nonetheless, the government is willing to provide a  
28 copy of body camera video from the incident which includes discussions with the witnesses with  
defense counsel's agreement not to share the videos or contents thereof with the defendant until further  
order of the Court.

29 3. By signing this Stipulation and Protective Order, Defense Counsel agrees not to share the  
30 body camera recording or of any report defense receives with the witnesses' statements or identities  
31 included, with anyone other than designated defense investigators and support staff. Defense Counsel  
32 may not discuss the contents of the recordings with the defendant. The parties agree that Defense

1 Counsel, defense investigators and support staff shall not allow the defendant to copy such information.

2       4. The recording provided may only be used in connection with the litigation of this case  
3 and for no other purpose. The discovery is now and will forever remain the property of the United States  
4 Government. Defense Counsel will return the discovery to the Government or certify that it has been  
5 destroyed at the conclusion of the case.

6       5. Defense Counsel will store the discovery in a secure place and will use reasonable care to  
7 ensure that it is not disclosed to third persons in violation of this agreement.

8       6. Defense Counsel shall be responsible for advising his or her respective client, employees,  
9 and other members of the defense team, and defense witnesses of the contents of this Stipulation and  
10 Order.

11       7. In the event that the defendant substitutes counsel, undersigned Defense Counsel agrees  
12 to withhold discovery from new counsel unless and until substituted counsel agrees also to be bound by  
13 this Order.

14       IT IS SO STIPULATED.

15  
16       Dated: 6/7/21

PHILLIP A. TALBERT  
Acting United States Attorney

18       /s/ KIMBERLY A. SANCHEZ  
19                   KIMBERLY A. SANCHEZ  
20                   Assistant United States Attorney

21       Dated: 6/7/21

22       /s/ JAYA GUPTA  
23                   JAYA GUPTA  
24                   Counsel for Defendant  
25                   MARC DAVIS

26       IT IS SO ORDERED.

27       Dated: June 10, 2021

28  
  
UNITED STATES MAGISTRATE JUDGE